



U.S. Army Corps
Of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Public Notice



Date: April 18, 2008

Comment Period Closes: June 2, 2008

Evaluation Branch, Engineering/Planning Division

BOSTON HARBOR, BOSTON, MASSACHUSETTS DEEP DRAFT NAVIGATION IMPROVEMENT DREDGING

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District in partnership with the Massachusetts Port Authority (Massport) has prepared a Draft Feasibility Report and joint Draft Supplemental Environmental Impact Statement and State Draft Environmental Impact Report (DSEIS/DEIR) to examine improvements to deep-draft navigation channels in Boston Harbor, Boston, Massachusetts (see Figure 1). Comments are requested within 45 days of the date of this notice. This DSEIS/DEIR will build on a previous final EIS prepared in 1995 for navigation improvement in Boston Harbor.

Purpose of Work: The purpose of this Boston Harbor Federal Deep Draft Navigation Improvement Project (Deep Draft Project) is to evaluate the feasibility of channel deepening and related berth improvements at the Port of Boston, consistent with the goals of the study sponsor, Massport, and in response to direction from Congress in the authorizing resolution. Massport's goal is to provide deeper channel access to their Conley Container Terminal located on the Reserved Channel in South Boston at a depth at least equal to the -45 feet deep mean lower low water (MLLW) now available at that facility's berths. Additional minor port improvements in the Mystic and Chelsea Rivers and in the Main Ship Channel above the Reserved Channel are also under consideration. All depths are referenced to minus MLLW.

Without channel deepening, the containerships and bulk carriers currently using Boston Harbor will continue to experience tidal delays. Many vessels will continue to be light loaded or depart Conley Terminal without loading/unloading all of their cargo to ensure that they do not miss the tidal window. In some cases, vessels that would experience a tidal delay in Boston, would bypass Boston all together so as not to jeopardize their New York Harbor arrival schedule. As carriers add larger vessels to the services that currently include Boston, they may be forced to eliminate Boston from their rotation. Also, a large part of New England cargo will continue to be shipped in or out of the Port of New York/New Jersey (PONYNJ), increasing total transportation costs. Recent trends show cargo being shifted from the PONYNJ to Boston Harbor. This shift is due to the lower landside transportation costs for cargo shipped directly into Boston Harbor. However, the increased shift in cargo from the PONYNJ to the Port of Boston Harbor will cease once the carrying capacity of the ships has been maximized with the current 40-foot deep maintenance dredging.

Recommended Plan Description: Four separate improvements were developed for the Boston Harbor Deep Draft Project. The first examined deepening the outer and lower harbor's existing 40-foot deep channel system to provide deeper access to Massport's Conley Terminal in South Boston for containership traffic. Navigation channel depths of between 45 to 50 feet were examined, with a depth of 48 feet recommended; plus an additional two feet of depth in the entrance channel. Under this plan the following project features would be improved: the 40-foot lane of the Broad Sound North Entrance Channel would be deepened to 50 feet and widened through the bend at Finn's Ledge. The 40-foot lane of the Main Ship Channel from the Broad Sound North Entrance Channel upstream through President Roads to the Reserved Channel would be deepened to 48 feet and its 600-foot wide reaches widened to between 800 and 900 feet, with additional width in the bends. The 40-foot lower reach of Reserved Channel and its turning area would be deepened to 48 feet, with the turning area also widened to 1600 feet. The 40-foot President Roads Anchorage would be deepened to 48 feet.

The second improvement would be an incremental plan to deepen the existing 40-foot lane of the Main Ship Channel from the Reserved Channel turning area upstream to just below the Third Harbor Tunnel to a depth of 45 feet, to improve access to the Massport Marine Terminal in South Boston. The third improvement, also an incremental plan, would deepen a portion of the 35-foot Mystic River Channel lane to 40 feet to improve access to Massport's Medford Street Terminal. The fourth and final incremental improvement would deepen the 38-foot Chelsea River Channel to 40 feet, with minor widening in the bridge approaches and the bend between the bridges.

In conjunction with work in the Federal channels, Massport would deepen vessel berths at the Conley Terminal and Marine Terminal. Terminals on the Chelsea River would also deepen their berths to match the new channel depth. A total of about 12.1 million cubic yards (cy) of parent material, and 1.2 million cy of rock, would be removed by dredging and would be placed at the Massachusetts Bay Disposal Site (MBDS). The transportation of this dredged material for disposal in ocean waters is being evaluated to determine that the proposed disposal will not unreasonably degrade or endanger human health, welfare, or amenities or the marine environment, ecological systems, or economic potentialities. In making this determination, the criteria established by the Administrator, EPA pursuant to section 102(a) of the Marine Protection Research and Sanctuaries Act will be applied. In addition, based upon an evaluation of the potential effect which the failure to utilize this ocean disposal site will have on navigation, economic and industrial development, and foreign and domestic commerce of the United States, an independent determination will be made of the need to dispose of the dredged material in ocean waters, other possible methods of disposal, and other appropriate locations.

Coordination: The proposed work is being coordinated with Federal, State, and local agencies, including the following:

- U.S. Environmental Protection Agency
- National Marine Fisheries Service
- U.S. Fish and Wildlife Service
- Massachusetts Department of Environmental Protection
- Massachusetts Executive Office of Environmental Affairs
- Massachusetts Historic Commission
- Massachusetts Office of Coastal Zone Management
- State Natural Heritage Program
- Boston Conservation Commission

Environmental Impacts: A DSEIS/DEIR has been prepared for this Deep Draft Project. Temporary impacts to Essential Fish Habitat will occur by removing the benthic habitat in the Federal navigation channels. No water quality violations were recorded during monitoring of

the previous navigation improvement project in Boston Harbor; therefore no significant water quality impacts are expected from this proposed project. The base plan for disposal of dredged material is the MBDS. Beneficial use opportunities for the dredged material have been identified and would be evaluated further during final design of the project. Those beneficial use opportunities include: creation of rock reefs in Massachusetts Bay and Broad Sound, and using the non-rock material as cover at the former Industrial Waste Site, which overlaps the MBDS. Little or no disposal of unsuitable maintenance dredged material is expected to occur in the CAD cells located in the previously disturbed areas of the navigation channels. Disposal of unsuitable maintenance dredged material for Boston Harbor has been previously permitted and discussed in a previous SEIS published in June 2006.

Endangered Species: To protect the endangered right whale, whale observers will be on board the scows transiting to the MBDS from February to May 31 to avoid potential ship strikes

Cultural Resources: As this area has been previously dredged, no cultural resource impacts are expected to occur in the project area.

Clean Water Act: A draft Clean Water Act Section 404 (b)(1) Evaluation has been prepared as part of the draft SEIS/EIR. In addition, construction will not begin until a Water Quality Certification has been obtained from the Commonwealth of Massachusetts.

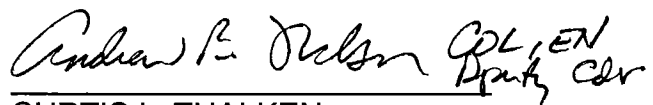
Coastal Zone Management Act: A determination that the proposed project is consistent with the State's coastal zone policies will be submitted to the Commonwealth of Massachusetts.

Compliance: This Public Notice is being issued in compliance with the environmental laws and regulations in Attachment A.

Additional Information: The project sponsor, Massport, will obtain appropriate State permits for the proposed project.

Any person who has an interest which may be affected by the disposal of this dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest which may be affected and the manner in which the interest may be affected by this activity. Please bring this notice to the attention of anyone you know to be interested in the project. Comments are invited from all concerned parties relating to this project and should be directed to the District Engineer at 696 Virginia Road, Concord, MA 01742-2751, ATTN: Programs and Project Management Division (Mr. Michael Keegan, 978-318-8087) within 45 days. A public meeting on the proposed project to solicit comments is scheduled for 1:00 pm on Tuesday May 20, 2008 at the Black Falcon Cruise Terminal, One Black Falcon Avenue, Boston, Massachusetts

4 April 2008
Date

for  **CURTIS L. THALKEN**
Colonel, Corps of Engineers
District Engineer

Attachment A

Pertinent Laws, Regulations and Directives

American Indian Religious Freedom Act of 1978, 42 U.S.C. 1996.

Archaeological Resources Protection Act of 1979, as amended, 16 U.S.C. 470 et seq.

Clean Air Act, as amended, 42 U.S.C. 7401 et seq.

Clean Water Act of 1977 (Federal Water Pollution Control Act Amendments of 1972) 33 U.S.C. 1251 et seq.

Coastal Zone Management Act of 1982, as amended, 16 U.S.C. 1451 et seq.

Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.

Estuarine Areas Act, 16 U.S.C. 1221 et seq.

Federal Water Project Recreation Act, as amended, 16 U.S.C. 4601-12 et seq.

Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq.

Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-1

Magnuson-Stevens Act, as amended, 16 U.S.C. 1801 et seq.

Marine Protection, Research, and Sanctuaries Act of 1971, as amended, 33 U.S.C. 1401 et seq.

National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq.

National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq.

Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3000-3013,
18 U.S.C. 1170

Preservation of Historic and Archaeological Data Act of 1974, as amended, 16 U.S.C. 469 et seq.
This amends the Reservoir Salvage Act of 1960 (16 U.S.C. 469).

Rivers and Harbors Act of 1899, as amended, 33 U.S.C. 401 et seq.

Watershed Protection and Flood Prevention Act, as amended, 16 U.S.C. 1001 et seq.

Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271 et seq.

Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971.

Executive Order 11988, Floodplain Management, May 24, 1977 amended by Executive Order 12148,
July 20, 1979.

Executive Order 11990, Protection of Wetlands, May 24, 1977.

Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, January 4, 1979.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and
Low-Income Populations, February 11, 1994.

Executive Order 13007, Accommodations of Sacred Sites, May 24, 1996.

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks,
April 21, 1997.

Executive Order 13061, and Amendments – Federal Support of Community Efforts Along American
Heritage Rivers.

Executive Order 13175, Consultation and Coordination with Tribal Governments, November 2000.

Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing NEPA, August 11, 1980.

White House Memorandum, Government-to-Government Relations with Indian Tribes, April 29, 1994.